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In re Application of	:	
ARNOLD-HUYSER et al.	:	
Application No.: 10/532,199	:	DECISION
PCT No.: PCT/US03/33284	:	
Int. Filing Date: 20 October 2003	:	
Priority Date: 21 October 2002	:	
Attorney Docket No.: 026032-4901	:	
For: POINT OF INTEREST DISPLAY SYSTEM	:	

This is a decision on applicants' "PETITION UNDER 37 C.F.R. 1.47", which has properly been treated as a petition under 37 CFR 1.47(a), filed 23 February 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 October 2003, applicants filed international application PCT/US03/33284, which designated the United States and claimed a priority date of 21 October 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2005.

On 21 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 22 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 February 2006, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, a copy of an e-mail from Jodi Hemmeke to Nathaniel St. Clair, and a copy of a receipt for certified mail.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been met.

Item (2) has not been met. "Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." MPEP § 409.03(d)II. Here, such a statement of facts has not been provided. As to the copy of the e-mail, the circumstances surrounding the e-mail would need to be provided by someone with firsthand knowledge of these circumstances. As to the copy of the "Receipt for Certified Mail", it appears to be simply the receipt from the US Post Office for the sender of the mail; it does not appear to establish receipt by the non-signing inventor Mr. Bambini.

Item (4) has not been met. The declaration of inventors filed 23 February 2006 is not in compliance with 37 CFR 1.497(a)-(b). The declaration includes two page fours. Each declaration must be complete in and of itself. I.e., each declaration must identify, *inter alia*, each inventor. It is not clear from the declaration filed 23 February 2006 that each declaration presented to and signed by the inventors was complete. It appears that four inventors signed at least two separate declarations. However, only one declaration, which contains two page fours was provided. Applicants must submit either a single declaration executed by all of the inventors, with the exception of any non-signing inventors, or in the alternative a copy of the entire declaration for each signed declaration.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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